

17. (Amended) The method defined in claim ~~11~~ 16 wherein the step of multiplying is further comprised of multiplying the price for each option by the volume of the options purchased.

18-20. (Original)

Remarks

Claims 1 and 3 through 20 are pending in this application. Claims 1 through 20 were rejected and claim 17 was objected to by the Examiner. By this amendment, claims 1, 12 and 17 have been amended and claim 2 has been canceled to clarify the subject matter in which the Applicants claim as their invention. Reconsideration of the claims is respectfully requested. No new matter has been added by virtue of the amendments, cancellations or additions to the claims.

Rejection Of Claim 17 under 35 U.S.C. § 112 As Being Indefinite

Claims 17 is rejected by the Examiner under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. Specifically, the Examiner states that "the step of multiplying" in line 2 of claim 17 lacks antecedent basis. In order to provide antecedent basis, Applicants amend claim 17 to depend from claim 16 instead of claim 11. Claim 16 provides the necessary antecedent basis for "the step of multiplying" in claim 16. Specifically, claim 16 recites a step of "multiplying the change in the average price for each configuration by the volume for that particular configuration in the second period to obtain a resulting product for each configuration." Thus, the lack of antecedent basis rejection of claim 17 is believed to be obviated.

Objection To The Specification

The Examiner objects to the disclosure because of the typographical error “when the a view” on page 3, line 16 of the specification. Applicants amend the specification to correct the typographical error by removing the word “the” and respectfully request that this objection be withdrawn.

**Rejection of Claims 1-20 under 35 U.S.C. § 101
As Being Drawn to Non-statutory Subject Matter**

Claims 1-20 are rejected under 35 U.S.C. § 101 as being drawn to non-statutory subject matter. According to the Examiner, the claims are directed to a process that does nothing more than manipulate an abstract idea and serves no practical application in the technological arts. The Examiner urges that all that is necessary to make a sequence of operational steps a statutory process within 35 U.S.C. § 101 is that it be in the technological arts so as to be in consonance with the Constitutional purpose to promote the progress of “useful arts”. *In re Musgrave*, 167 USPQ 280 (CCPA 1970). The Examiner also states that a claim is limited to a practical application when the method, as claimed, produces a concrete, tangible and useful result, *i.e.*, the method recites a step or act of producing something that is concrete, tangible and useful. *See AT&T v. Excel Communications Inc.*, 50 USPQ2d 1447, 1452 (Fed. Cir. 1999).

The Applicants have amended claims 1 and 12 to clarify the claimed invention. Claims 2 through 11 depend, either directly or indirectly, from independent claim 1 and claims 13 through 20 depend, either directly or indirectly, from independent claim 13. By virtue of the amendments and claim dependancies, claims 1 and 3 through 20 satisfy the statutory subject matter requirement of 35 U.S.C. § 101. Similarly, new claims 21 through 25 also satisfy the statutory subject matter requirement.

The Federal Circuit has illuminated examples of what qualifies as statutory subject matter under 35 U.S.C. § 101.

In *State Street Bank & Trust Co. v. Signature Financial Group, Inc.*, 47 USPQ2d 1596, 1601-02 (Fed. Cir. 1998), the CAFC held that a physical apparatus, *i.e.*, a computer program, that transforms data of discrete dollar amounts into a final share price through a series of mathematical calculations constitutes a practical application since it produces a useful, concrete, and tangible result of the final share price which is the basis for investors and brokers making investment decisions. *State Street Bank*, 47 USPQ2d at 1602.

In *AT&T Corp. v. Excel Communications*, 50 USPQ2d 1447, 1452 (Fed. Cir. 1999), a case cited by the Examiner, the CAFC held that patent claims directed at a method for transforming data, *i.e.*, a standard exchange message, into another form of data, *i.e.*, an exchange message including a primary interexchange carrier indicator, through Boolean algebra constituted patentable subject matter under 35 U.S.C. § 101. In his opinion, Judge Plager stated that the presence of transformed data could be indicia of statutory subject matter, if the data had a specific meaning that gave a useful, concrete, and tangible result:

The finding [in *Arrhythmia*] that the claimed process “transform data from one ‘form’ to another” simply confirmed that *Arrhythmia*’s method claims satisfied § 101 because the mathematical algorithm included within the process was applied to produce a number which had specific meaning - a useful, concrete, tangible result - not a mathematical abstraction.

AT&T Corp. v. Excel Communications, 172 F.3d at 1959.

The claimed invention recites a computer-implemented method that provides a useful application with a useful, concrete, and tangible result that goes beyond mere manipulation of an abstract idea. Claim 1 recites gathering data from at least two financial statements, applying computer subroutines to the data, and generating a report based on the output of the data. The report can be used to identify underlying factors which cause changes in revenue and cost. Applicants have amended claim 1 to clarify that the subroutines are computer-implemented and can only be computer-implemented. This clarification is supported by the definitions given for subroutine in common and technical dictionaries. A subroutine is “a sequence of computer instructions for performing a specified task that can be used

repeatedly”. MERRIAM WEBSTER DICTIONARY (visited September 4, 2003) <<http://www.m-w.com/>>.¹ A subroutine can be “the portion of a routine that causes a computer to carry out a well-defined mathematical or logical operation”. MODERN DICTIONARY OF ELECTRONICS 744 (7th ed. 1999). A routine, and related term subroutine, has also been defined as “[a]ny section of code that can be invoked within a program”. MICROSOFT COMPUTER DICTIONARY 458 (5th ed. 2002). The data gathered is transformed into another value, *i.e.* reported results, via the first, second and/or third subroutines. The values are relied upon by financial analysts to identify underlying factors which cause changes in revenue and cost. Claims 3 through 11, by virtue of depending, either directly or indirectly, from claim 1 and for reciting their own computer-implemented steps are also drawn to statutory subject matter. Additionally, independent claim 12 recites gathering data from at least two financial statements, applying computer-implemented subroutines to the data, and reporting data generated by the subroutines. The words “computer-implemented” are being added to claim 12 to affirm that the subroutines are executed by a computer. The data gathered is transformed into another value, *i.e.* reported data, via the computer-implemented subroutines. The reported data is relied upon to identify the basis for changes in profit, revenue, and costs. Claims 13 through 20, by virtue of depending, either directly or indirectly, from claim 12 and for reciting their own computer-implemented steps are also drawn to statutory subject matter. Likewise, claims 21 through 25 recite computer-implemented methods for analyzing and comparing financial data.

The recitation of “automated” methods for analyzing and comparing financial data in the claims further support that the claims are drawn to an apparatus capable of a concrete, useful, and tangible result. According to MERRIAM WEBSTER DICTIONARY, automation is “automatically controlled operation of an apparatus, process, or system by mechanical or electronic devices that take the place of human organs of observation, effort, and decision”. MERRIAM WEBSTER DICTIONARY (visited September 4, 2003) <<http://www.m-w.com/>>.

¹ The dictionary definitions cited herein have been copied and are included as attachments for the Examiner’s review.

In summary, the claimed invention as a whole accomplishes a practical application by producing a useful, concrete, and tangible result of generating reports for analyzing and comparing financial data through computer-implemented methods. Additionally, the claimed invention is directed at automated methods for achieving this result. For at least these reasons, the Applicants' claims constitute statutory subject matter under § 101.

**Rejection of Claims 1, 5-7 and 11 under 35 U.S.C. § 103(a)
as Being Obvious in Light of "Quicken 6-in-1"**

Claims 1, 5 through 7 and 11 have been rejected under 35 U.S.C. § 103(a) as being obvious in light of "Quicken 6-in-1" by Stephen O'Brien. It is noted that the Examiner also comments on claim 17 under the heading of the obviousness rejection even though the claim is not listed in the Examiner's statement of rejection. Although it is unclear whether this claim stands rejected, Applicants will address the patentability of claim 17 along with claims 1, 5 through 7 and 11.

Briefly, the Examiner states that the process of a user creating financial snapshots based on reports for displaying expense comparison, dining budgets etc. is interpreted as the claimed steps of gathering data from at least one field in at least two different financial statements, *i.e.* reports, applying a one through "n" subroutines to the gathered data, and reporting the results of the of the one through "n" subroutines to identify underlying factors which cause changes in revenue and cost. The examiner urges that one of ordinary skill in the art would have been motivated to do practice the claimed invention because it provides statistical reports for different routines, thus, assisting the user in financial and statistical analysis.

"Quicken 6-in-1" does not disclose, teach, or suggest the subject matter of the claimed invention as recited in claims 1, 5 through 7, 11 and 17. Applicants have amended claim 1 to include the limitation of claim 2. Claim 2 recites that the first subroutine is a

volume variance subroutine, a mix variance subroutine, a net revenue change variance subroutine, a cost change variance subroutine, an exchange variance subroutine or a one-time subroutine. The Examiner indicated that claim 2 is allowable if the § 101 rejection is resolved. Since Applicants believe that the § 101 rejection has been obviated, Applicants respectfully submit that amended claim 1, which includes the allowable limitation of dependant claim 2, is allowable. Similarly, claims 5 through 7, depend either directly or indirectly, from amended claim 1, and are therefore allowable for at least the same reasons as claim 1, if not for their own limitations. Claim 17 is allowable since it depends on allowable claim 16 that is now allowable since the § 101 rejection is believed to be obviated. For at least these reasons, Applicants contend that claims 1, 5 through 7, 11 and 17 are patentable in light of the teachings of "Quicken 6-in-1", as well as the other prior art of record.

Conclusion

For the foregoing reasons, Applicants believe that the Office Action of June 18, 2003 has been fully responded to. Consequently, in view of the above amendments and remarks, Applicants respectfully submit that the application is in a condition for allowance, which allowance is respectfully submitted. The Examiner is highly encouraged to contact me to set up a telephonic interview if doing so will expedite successful prosecution of this application.

The Commissioner is hereby authorized to charge any fees associated with the filing of this paper to the deposit account of Ford Global Technologies, Inc., Account No. 06-1510.

Respectfully submitted,
DAN YUN et al.

By Matthew M. Jakubowski
Matthew M. Jakubowski
Reg. No. 44,801
Attorney for Applicant

Date: September 8, 2003

BROOKS KUSHMAN P.C.
1000 Town Center, 22nd Floor
Southfield, MI 48075
Phone: 248-358-4400
Fax: 248-358-3351